## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

FOREST LABORATORIES, INC., ET AL.,	)
Plaintiffs, v.	) ) C.A. No. 08-21-GMS-LPS ) (Consolidated)
COBALT LABORATORIES INC., ET AL.,	
Defendants.	)
FOREST LABORATORIES, INC., ET AL.,	_ )
Plaintiffs,	)
v.	)
ORGENUS PHARMA INC.,	)
Defendant.	)

## **NOTICE OF SERVICE**

The undersigned counsel for defendants Orchid Chemicals & Pharmaceuticals Ltd., Orchid Pharmaceuticals Inc. and Orgenus Pharma Inc. hereby certifies that true and correct copies of the following documents were caused to be served on September 5, 2008, upon the following attorneys of record as indicated below:

ORCHID PHARMACEUTICALS INC., ORCHID CHEMICALS AND PHARMACEUTICALS LTD., AND ORGENUS PHARMA INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF COLLECTIVE REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS IN TO DEFENDANTS

## **VIA HAND DELIVERY AND ELECTRONIC MAIL**

Jack B. Blumenfeld Maryellen Noreika James W. Parrett, Jr. MORRIS, NICHOLS, ARSHT & TUNNELL LLP 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899 jblumenfeld@mnat.com mnoreika@mnat.com iparrett@mnat.com Attorneys for Plaintiffs

Joseph Grey Thomas G. Whalen, Jr. STEVENS & LEE, P.C. 1105 North Market Street, 7th Floor Wilmington, DE 19801 ig@stevenslee.com tgw@stevenslee.com Attorneys for Defendant Teva Pharmaceuticals USA, Inc.

Kevin G. Abrams John M. Seaman ABRAMS & LASTER LLP 20 Montchanin Road, Suite 200 Wilmington, DE 19807 Abrams@abramslaster.com Seaman@abramslaster.com Attorneys for Defendant Sun Pharmaceutical Industries Ltd. Richard K. Herrmann Mary Matterer Amy A. Quinlan MORRIS JAMES LLP 500 Delaware Avenue, Suite 1500 Wilmington, DE 19899 rherrmann@morrisjames.com mmatterer@morrisjames.com aquinlan@morrisjames.com Attorneys for Defendant Cobalt Laboratories, Inc.

Filed 09/05/2008

Richard D. Kirk Ashley B. Stitzer BAYARD, P.A. 222 Delaware Ave., Suite 900 Wilmington, DE 19899 rkirk@bayardlaw.com astitzer@bayardlaw.com Attorneys for Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd.

Frederick Cottrell Anne Shea Gaza RICHARDS, LAYTON & FINGER One Rodney Square 920 N. King Street Wilmington, DE 19899 cottrell@rlf.com gaza@rlf.com Attorneys for Defendant Upsher-Smith Laboratories Inc.

Jeffrey L. Moyer
Kelly E. Farnan
RICHARDS, LAYTON & FINGER
One Rodney Square
920 N. King Street
Wilmington, DE 19899
Moyer@rlf.com
Farnan@rlf.com
Attorneys for Defendants Wockhardt USA
Inc. and Wockhardt Limited

## **VIA ELECTRONIC MAIL**

John M. Desmarais
Gerald J. Flattmann, Jr.
Melanie R. Rupert
Andres Sawicki
Manuel Vélez
KIRKLAND & ELLIS, L.L.P.
Citigroup Center
153 E. 53<sup>rd</sup> Street
New York, NY 10022
jdesmarais@kirkland.com
gflattmann@kirkland.com
mrupert@kirkland.com
asawicki@kirkland.com
mvelez@kirkland.com
Attorneys for Plaintiffs

F. Dominic Cerrito
Daniel L. Malone
Eric C. Stops
JONES DAY
222 East 41<sup>st</sup> Street
New York, NY 10017
fdcerrito@jonesday.com
dlmalone@jonesday.com
estops@jonesday.com
Attorneys for Plaintiffs

Robert B. Breisblatt Stephen P. Benson Craig M. Kuchii Brian J. Sodikoff Jeremy C. Daniel Joanna R. Stevason

KATTEN MUCHIN ROSENMAN LLP

525 West Monroe Street Chicago, IL 60661-3693 robert.breisblatt@kattenlaw.com stephen.benson@kattenlaw.com craig.kuchii@kattenlaw.com brian.sodikoff@kattenlaw.com jeremy.daniel@kattenlaw.com

joanna.stevason@kattenlaw.com Attorneys for Defendants Apotex Inc. and Apotex Corp.

Louis H. Weinstein Bruce D. Radin BUDD LARNER, P.C. 150 John F. Kennedy Parkway Short Hills, NJ 07078-2703 lweinstein@budd-larner.com

bradin@budd-larner.com
Attorneys for Defendants Dr. Reddy's
Laboratories, Inc., Dr. Reddy's
Laboratories Ltd. and Defendants
Interpharm Holdings, Inc., and

Interpharm, Inc.

Ron E. Shulman
Terry Kearney
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94394-1050

rshulman@wsgr.com tkearney@wsgr.com Attorneys for Defendants Genpharm ULC and Genpharm, L.P. and Defendant Mylan Pharmaceuticals Inc. William A. Rakoczy
Paul J. Molino
Deanne M. Mazzochi
Neil A. Benchell
John Polivick

RAKOCZY MOLINO MAZZOCHI SIWIK

LLP

6 West Hubbard Street, Suite 500

Chicago, IL 60610

wrakoczy@rmmslegal.com pmolino@rmmslegal.com dmazzochi@rmmslegal.com nbenchell@rmmslegal.com jpolivick@rmmslegal.com Attorneys for Defendant Cobalt

Laboratories, Inc.

Roger J. Chin

WILSON SONSINI GOODRICH & ROSATI

One Market Street Spear Tower, Suite 3300 San Francisco, CA 94105

rchin@wsgr.com

Attorneys for Defendants Genpharm ULC and Genpharm, L.P. and Defendant Mylan

Pharmaceuticals Inc.

Lorelei Westin

WILSON SONSINI GOODRICH & ROSATI

12235 El Camino Real, Suite 200

San Diego, CA 92130 lwestin@wsgr.com

Attorneys for Defendants Genpharm ULC and Genpharm, L.P. and Defendant Mylan

Pharmaceuticals Inc.

Douglass C. Hochstetler
Sailesh K. Patel
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, IL 60606
dhochstetler@schiffhardin.com
spatel@schiffhardin.com
Attorneys for Defendants Lupin
Pharmaceuticals, Inc. and Lupin Ltd.

Kenneth G. Schuler
LATHAM & WATKINS LLP
Sears Tower, Suite 5800
Chicago, IL 60606
kenneth.schuler@lw.com
Attorneys for Defendants Orchid
Pharmaceuticals Inc., Orchid Chemicals &
Pharmaceuticals Ltd., and Orgenus
Pharma Inc.

Darryl H. Steensma
Amy P. Noss
LATHAM & WATKINS LLP
12636 High Bluff Drive, Suite 400
San Diego, CA 92130
darryl.steensma@lw.com
amy.noss@lw.com
Attorneys for Defendants Orchid
Pharmaceuticals Inc., Orchid Chemicals & Pharmaceuticals Ltd. and Orgenus Pharma Inc.

Charles B. Klein
Jay L. Levine
Jovial Wong
Rishi Nangia
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20006-3817
cklein@winston.com
jlevine@winston.com
jwong@winston.com
rnangia@winston.com
Attorneys for Defendant
Sun Pharmaceutical Industries Ltd.

D. Christopher Ohly SCHIFF HARDIN LLP 1666 K. Street, N.W., Suite 300 Washington, D.C. 20036 dcohly@schiffhardin.com Attorneys for Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd.

Terrence J. Connolly
LATHAM & WATKINS LLP
885 Third Avenue, Suite 1000
New York, NY 10022-4834
terrence.connolly@lw.com
Attorneys for Defendants Orchid
Pharmaceuticals Inc., Orchid Chemicals &
Pharmaceuticals Ltd. and Orgenus Pharma
Inc.

Thomas J. Meloro
Eugene L. Chang
Colman B. Ragan
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, N.Y. 10019-6099
tmeloro@willkie.com
echang@willkie.com
cragan@willkie.com
Attorneys for Defendants PLIVA d.d., PLIVAHrvatska d.o.o., Barr Laboratories, Inc. and
Barr Pharmaceuticals, Inc.

Sheila Mortazavi
Merri C. Moken
Peter L. Giunta
KENYON & KENYON LLP
One Broadway
New York, NY 10004
slee@kenyon.com
smortazavi@kenyon.com
mmoken@kenyon.com
pgiunta@kenyon.com
Attorneys for Defendant
Teva Pharmaceuticals USA, Inc.

Steven J. Lee

Michael M. Shen KENYON & KENYON LLP 1500 K Street, NW Washington, DC 2005-1257 mshen@kenyon.com Attorneys for Defendant Teva Pharmaceuticals USA, Inc.

Jake M. Holdreith
ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402
jmholdreith@rkmc.com
Attorneys for Defendant
Upsher-Smith Laboratories Inc.

David E. Marder
Yixin H. Tang
ROBINS, KAPLAN, MILLER & CIRESI
L.L.P.
Prudential Tower, 25<sup>th</sup> Floor
800 Boylston Street
Boston, MA 02199
demarder@rkmc.com
yhtang@rkmc.com
Attorneys for Defendant
Upsher-Smith Laboratories Inc.

Mark Boland
Michael R. Dzwonczyk
Renita S. Rathinam
Kim E. Choate
Chandran B. Iyer
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037
mboland@sughrue.com
mdzwonczyk@sughrue.com
rrathinam@sughrue.com
kchoate@sughrue.com
kchoate@sughrue.com
diyer@sughrue.com
Attorneys for Defendants Wockhardt USA
Inc. and Wockhardt Limited

#### OF COUNSEL:

Kenneth G. Schuler
LATHAM & WATKINS LLP
Sears Tower, Suite 5800
233 South Wacker Drive
Chicago, IL 60606
Tel: (312) 876-7700
kenneth.schuler@lw.com

Terrence J. Connolly LATHAM & WATKINS LLP 885 Third Avenue, Suite 1000 New York, NY 10022-4834 Tel: (212) 906-1200 terrence.connolly@lw.com

#### POTTER ANDERSON & CORROON LLP

By: /s/ David E. Moore
Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendants Orchid Pharmaceuticals Inc., Orchid Chemicals & Pharmaceuticals Ltd. and Orgenus Pharma Inc. Darryl H. Steensma LATHAM & WATKINS LLP 12636 High Bluff Drive, Suite 300 San Diego, CA 92130 Tel: (858) 523.5400 darryl.steensma@lw.com

Dated: September 5, 2008 881313 / 32657

# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

### **CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on September 5, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on September 5, 2008, the attached document was Electronically Mailed to the following person(s):

Jack B. Blumenfeld
Maryellen Noreika
James W. Parrett, Jr.
MORRIS, NICHOLS, ARSHT &
TUNNELL LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
jblumenfeld@mnat.com
mnoreika@mnat.com
jparrett@mnat.com
Attorneys for Plaintiffs

John M. Desmarais
Gerald J. Flattmann, Jr.
Melanie R. Rupert
Andres Sawicki
Manuel Vélez
KIRKLAND & ELLIS, L.L.P.
Citigroup Center
153 E. 53<sup>rd</sup> Street
New York, NY 10022
jdesmarais@kirkland.com
gflattmann@kirkland.com
mrupert@kirkland.com
asawicki@kirkland.com
mvelez@kirkland.com
Attorneys for Plaintiffs

F. Dominic Cerrito
Daniel L. Malone
Eric C. Stops
JONES DAY
222 East 41<sup>st</sup> Street
New York, NY 10017
fdcerrito@jonesday.com
dlmalone@jonesday.com
estops@jonesday.com
Attorneys for Plaintiffs

Richard K. Herrmann
Mary Matterer
Amy A. Quinlan
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19899
rherrmann@morrisjames.com
mmatterer@morrisjames.com
aquinlan@morrisjames.com
Attorneys for Defendant
Cobalt Laboratories, Inc.

Louis H. Weinstein
Bruce D. Radin
BUDD LARNER, P.C.
150 John F. Kennedy Parkway
Short Hills, NJ 07078-2703
<a href="mailto:lweinstein@budd-larner.com">lweinstein@budd-larner.com</a>
<a href="mailto:bradin@budd-larner.com">bradin@budd-larner.com</a>
<a href="mailto:bradingbudd-larner.com">httorneys for Defendants Dr. Reddy's</a>
<a href="mailto:Laboratories">Laboratories</a>, Inc., Dr. Reddy's
<a href="mailto:Laboratories">Laboratories</a> Ltd., Interpharm Holdings,
<a href="mailto:Interpharm">Inc.</a>, and Interpharm, Inc.

Robert B. Breisblatt Brian J. Sodikoff Stephen P. Benson Craig M. Kuchii Jeremy C. Daniel Joanna R. Stevason KATTEN MUCHIN ROSENMAN LLP 525 West Monroe Street Chicago, IL 60661-3693 robert.breisblatt@kattenlaw.com stephen.benson@kattenlaw.com craig.kuchii@kattenlaw.com brian.sodikoff@kattenlaw.com jeremy.daniel@kattenlaw.com joanna.stevason@kattenlaw.com Attorneys for Defendants Apotex Inc. and Apotex Corp.

William A. Rakoczy Paul J. Molino Deanne M. Mazzochi Neil A. Benchell John Polivick RAKOCZY MOLINO MAZZOCHI SIWIK LLP 6 West Hubbard Street, Suite 500 Chicago, IL 60610 wrakoczy@rmmslegal.com pmolino@rmmslegal.com dmazzochi@rmmslegal.com nbenchell@rmmslegal.com ipolivick@rmmslegal.com Attorneys for Defendant Cobalt Laboratories, Inc.

Ron E. Shulman
Terry Kearney
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94394-1050
rshulman@wsgr.com
tkearney@wsgr.com
Attorneys for Defendants Genpharm ULC,
Genpharm, L.P., and Mylan Pharmaceuticals
Inc.

Document 159

Roger J. Chin WILSON SONSINI GOODRICH & ROSATI One Market Street Spear Tower, Suite 3300 San Francisco, CA 94105 rchin@wsgr.com Attorneys for Defendants Genpharm ULC, Genpharm, L.P., and Mylan Pharmaceuticals

Richard D. Kirk Ashley B. Stitzer BAYARD, P.A. 222 Delaware Ave., Suite 900 Wilmington, DE 19899 rkirk@bayardlaw.com astitzer@bayardlaw.com Attorneys for Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd.

Inc.

D. Christopher Ohly SCHIFF HARDIN LLP 1666 K. Street, N.W., Suite 300 Washington, D.C. 20036 dcohly@schiffhardin.com Attorneys for Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd.

Terrence J. Connolly LATHAM & WATKINS LLP 885 Third Avenue, Suite 1000 New York, NY 10022-4834 terrence.connolly@lw.com Attorneys for Defendants Orchid Pharmaceuticals Inc., Orchid Chemicals & Pharmaceuticals Ltd. and Orgenus Pharma Inc.

Lorelei Westin WILSON SONSINI GOODRICH & ROSATI 12235 El Camino Real, Suite 200 San Diego, CA 92130 lwestin@wsgr.com Attorneys for Defendants Genpharm ULC and Genpharm, L.P. and Defendant Mylan Pharmaceuticals Inc.

Douglass C. Hochstetler Sailesh K. Patel SCHIFF HARDIN LLP 6600 Sears Tower Chicago, IL 60606 dhochstetler@schiffhardin.com spatel@schiffhardin.com Attorneys for Defendants Lupin Pharmaceuticals, Inc. and Lupin Ltd.

Kenneth G. Schuler LATHAM & WATKINS LLP Sears Tower, Suite 5800 Chicago, IL 60606 kenneth.schuler@lw.com Attorneys for Defendants Orchid Pharmaceuticals Inc., Orchid Chemicals & Pharmaceuticals Ltd., and Orgenus Pharma Inc.

Darryl H. Steensma Amy P. Noss LATHAM & WATKINS LLP 12636 High Bluff Drive, Suite 400 San Diego, CA 92130 darryl.steensma@lw.com amy.noss@lw.com Attorneys for Defendants Orchid Pharmaceuticals Inc., Orchid Chemicals & Pharmaceuticals Ltd. and Orgenus Pharma Inc.

Thomas J. Meloro Eugene L. Chang Colman B. Ragan

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue

New York, N.Y. 10019-6099

tmeloro@willkie.com echang@willkie.com cragan@willkie.com

Attorneys for Defendants PLIVA d.d., PLIVA-Hrvatska d.o.o., Barr Laboratories, Inc. and

Barr Pharmaceuticals. Inc.

Charles B. Klein Jay L. Levine Jovial Wong Rishi Nangia Colin C. Heitzmann

WINSTON & STRAWN LLP

1700 K Street, N.W.

Washington, D.C. 20006-3817

cklein@winston.com jlevine@winston.com jwong@winston.com rnangia@winston.com cheitzmann@winston.com Attorneys for Defendant

Sun Pharmaceutical Industries Ltd.

Steven J. Lee Sheila Mortazavi Merri C. Moken Peter L. Giunta KENYON & KENYON LLP One Broadway New York, NY 10004 slee@kenyon.com smortazavi@kenyon.com mmoken@kenyon.com pgiunta@kenyon.com Attorneys for Defendant Teva Pharmaceuticals USA, Inc. Kevin G. Abrams John M. Seaman ABRAMS & LASTER LLP 20 Montchanin Road, Suite 200 Wilmington, DE 19807 Abrams@abramslaster.com Seaman@abramslaster.com Attorneys for Defendant Sun Pharmaceutical Industries Ltd.

Filed 09/05/2008

Joseph Grey Thomas G. Whalen, Jr. STEVENS & LEE, P.C. 1105 North Market Street, 7th Floor Wilmington, DE 19801 ig@stevenslee.com tgw@stevenslee.com Attorneys for Defendant Teva Pharmaceuticals USA. Inc.

Michael M. Shen KENYON & KENYON LLP 1500 K Street, NW Washington, DC 2005-1257 mshen@kenyon.com Attorneys for Defendant Teva Pharmaceuticals USA, Inc. Frederick Cottrell Anne Shea Gaza RICHARDS, LAYTON & FINGER One Rodney Square 920 N. King Street Wilmington, DE 19899 cottrell@rlf.com gaza@rlf.com Attorneys for Defendant Upsher-Smith Laboratories Inc.

Jake M. Holdreith ROBINS, KAPLAN, MILLER & CIRESI L.L.P. 2800 LaSalle Plaza 800 LaSalle Avenue Minneapolis, MN 55402 imholdreith@rkmc.com Attorneys for Defendant Upsher-Smith Laboratories Inc.

Mark Boland Michael R. Dzwonczyk Renita S. Rathinam Kim E. Choate Chandran B. Iyer SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037 mboland@sughrue.com mdzwonczyk@sughrue.com rrathinam@sughrue.com kchoate@sughrue.com cbiyer@sughrue.com Attorneys for Defendants Wockhardt USA Inc. and Wockhardt Limited

David E. Marder Yixin H. Tang ROBINS, KAPLAN, MILLER & CIRESI L.L.P. Prudential Tower, 25<sup>th</sup> Floor 800 Boylston Street Boston, MA 02199 demarder@rkmc.com yhtang@rkmc.com Attorneys for Defendant Upsher-Smith Laboratories Inc.

Filed 09/05/2008

Jeffrey L. Moyer Kelly E. Farnan RICHARDS, LAYTON & FINGER One Rodney Square 920 N. King Street Wilmington, DE 19899 Moyer@rlf.com Farnan@rlf.com Attorneys for Defendants Wockhardt USA Inc. and Wockhardt Limited

/s/ David E. Moore

Richard L. Horwitz David E. Moore Potter Anderson & Corroon LLP Hercules Plaza – Sixth Floor 1313 North Market Street P.O. Box 951 Wilmington, DE 19899-0951 (302) 984-6000 rhorwitz@potteranderson.com dmoore@potteranderson.com

869316 / 32657 (Cons.)